



COMMUNITY DEVELOPMENT DEPARTMENT

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MARCH 9, 2004

PRESENT: Acevedo, Benich, Engles, Escobar, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, and Minutes Clerk Johnson

Chair Mueller called the meeting to order at 7:04 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Mueller opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

MINUTES:

**FEBRUARY 10,
2004**

COMMISSIONER ESCOBAR MOTIONED TO APPROVE THE FEBRUARY 10, 2004 MINUTES, WITH THE FOLLOWING MODIFICATIONS:

Opening paragraph (add) *with the discussion centering on global issues.*

Page 5 paragraph 2: ~~patrolability~~ *patrolabilty*

Page 7, paragraph 3: ~~project pond~~

Page 7, paragraphs 9 and 10 (insert) *segments of.. five*

Page 8, paragraph 8:by citing ~~the spring~~ *a project along Spring Ave. regarding the Open Space issue*

Page 9, paragraph 2: (add) *split, but not for any supplemental awards for FY 20004/05 and FY 2005/06.* Pg Page 9, paragraph 3: ~~moot issue as the applications on the west side are lower on the list of eligible projects. since the allotments already given, plus the~~

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 2

affordable project likely to get allotments, will likely satisfy the west requirement

Page 12, paragraph 7: (insert at end of quote) *This project needs to be reviewed for Circulation Efficiency (B 3b), and the global issues in Open Space and Parks and Paths.* Other Commissioners concurred.

Page 14, paragraph 1: (insert at end) *Of particular concern was the need to have the project reviewed for Circulation Efficiency (B 3b), and the global issues in Open Space and Parks and Paths.*

COMMISSIONER LYLE SECONDED THE MOTION, WHICH CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: ENGLES, WESTON; ABSENT: NONE.

**FEBRUARY 24,
2004**

COMMISSIONERS ESCOBAR/ENGLES MOTIONED TO APPROVE THE MINUTES OF FEBRUARY 24, 2004 WITH THE FOLLOWING MODIFICATIONS:

Page 2, item 1, paragraph 3: SE Creer ~~informed~~ confirmed that

Page 4 paragraph 2: ~~Muller~~ Mueller

Page 5, paragraph 7: (add) point spread *for the top 2 projects*

Top of Page 9: MP-03-05: Hill – Gera 140-170

Page 10 (and continued to end of item) Agenda Item 12: Church correctly identified as *Jehovah's Witness Church* throughout report

Page 15, paragraph 4: Mitigated Negative Declaration motion (add): **DECLARATION, ON THE CONDITION THAT NO ADVERSE COMMENTS ARE RECEIVED BY THE CLOSE OF BUSINESS FEBRUARY 25, 2004, IN THE PLANNING DEPARTMENT**

Page 17, paragraph 1: ~~Southwest~~ Southeast

THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER; NOES: NONE ; ABSTAIN: WESTON; ABSENT: NONE.

NEW BUSINESS:

**1) UP-04-01:
CONCORD-MMS
ENTERPRISE INC**

A request for approval of a conditional use permit to allow a behavioral day facility for developmentally disabled adults in an existing industrial building located at 15005 Concord Cir. at Vineyard Blvd. in an existing light industrial PUD (established by Ordinance No. 336).

PM Rowe presented the staff report. In providing the information regarding the background management of the applicants, PM Rowe said this would be an expansion of services to the type of clients currently being served. Many of the clients in the eight facilities owned and operated by applicant, and this service would provide support for those clients as well as outreach to other clientele. PM Rowe noted that it is proposed that vans, each with a 13-person capacity, would be used to transport clients to the location.

Responding to a question, PM Rowe said that in traffic studies, whole trips are utilized for study and he explained the methodology for that count. Because of the van usage and the fact that the facility would be used for day programs only, with no overnight services, traffic has not been considered a major issue, PM Rowe stated. He also noted that the parking appears sufficient as the number of employees has been clarified to be 35, ~~not~~ not 45. PM Rowe also informed that there may be some visitors, e.g., family

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 3

members, who arrive on-site to 'check out the facility. Commissioner Escobar questioned the 'events' noticed in the staff report; whereupon PM Rowe explained the hours of arrival and service, such as 'off peak for regular off peak'. PM Rowe told the Commissioners the proposed hours of operation and the hours when employees arrive and leave may be different, due to employees needing to set up the facility for operation and clean up following departure of the clients.

PM Rowe noted this type of facility is 'sensitive receptor' according to State Regulations. As he explained the terminology, PM Rowe said the staff is still researching how an operation of this type compares to having a Church in the area. PM Rowe explained that requirements of areas businesses may be in conflict with the proposed use as he related that sometimes emergency equipment required (such as emergency generators) these being critical to the business operations. "We need to continue this matter to the next meeting," PM Rowe said, "as staff works to have all questions answered." PM Rowe also noted that as to licensing requirements, those matters are required by the state and said it would be best for the applicants to address such issues.

Commissioner Benich expressed concern that, in the application, there will be daily cliental in attendance of 100 clients. "There is no mention of a cafeteria or food service," Commissioner Benich noted. "How is this service to be provided?"

PM Rowe explained there is not mention in the application regarding food service provision because of the hours of operation.

Commissioner Benich also called attention to handicapped access, particularly in the area of parking. With the projected number of clients, Commissioner Benich indicated belief that more handicapped accessible spaces are likely to be used. "Only one space is provided in the plan," he said. "I should think they would need at least three or four?"

PM Rowe responded that 95% of the clients will be delivered by van.

Commissioner Benich persisted that at least two handicapped spaces would be needed. PM Rowe said the Commissioners could make handicapped spaces a requirement.

Commissioner Acevedo agreed with the concerns for the handicapped that had been raised. He said that more consideration for handicapped parking stalls should be considered.

Commissioner Acevedo asked to have explained exactly what is the operation; what would the service consist of?

PM Rowe and Chair Mueller indicated the applicant could address the delivery of service.

Commissioner Weston asked if the building will be sprinkled for fire safety?

Commissioner Lyle said he read in the report that the building is required to be sprinkled, and 'it probably is, but there is most likely a need for upgrade to the system.'

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 4

Commissioner Lyle asked what triggers the need for traffic studies for projects such as this?

PM Rowe explained the number of peak hour traffic trips and how they are calculated.

Chair Mueller opened the public hearing.

Hooshang Homars, 109 Teresita Way, representative of the applicant, introduced Malou Sedigh who is President of MMS Behavioral Daycare program.

Ms. Sedigh responded to questions from the Commissioners regarding:

- the name of the program (business name Concord - MMS)
- the nature of the business (group homes for the developmentally disabled)
- types and numbers of clients to be served (those persons enrolled through the San Andreas Regional Program, who have identified developmental disabilities before age 18, or have some type of medical retardation; these clients were formerly eligible for service at Agnews State Hospital, but sections of that Hospital are closed). The clients will to be integrated into the community, with the goal being a 'normal life'. Clients may have abnormal medical and psychological symptoms: seizures, explosive disorders, etc., but with proper guidance, a structured program, and medication, they can 'operate as normal as possible'.
- numbers of clientele for the proposed operation: 100 with 35 staff
- food service will not be provided on site, except for occasion snacks; lunches are brought from home and 1 or 2 times per month they all go out for lunch
- funding for the program, including the group homes
- if not in a group home, most of the clients live with individual or group family members
- numbers of clients coming from Morgan Hill (clients will be brought in from surrounding areas, including San Jose, Salinas, Watsonville, Gilroy, Hollister)
- there are actually few clients actually from Morgan Hill
- some of the clients may use public transportation (percentage of usage is not known)
- applicants own/operate six group care homes with a total of 35 clients presently
- how/where clients are obtained; how people become aware of the group homes (referrals from the San Andreas Regional Center. They know how we have handled clients - they give us clients
- whether Morgan Hill has been targeted by for having a need for a center such as this? [no]
- the applicants will receive a \$100,000 grant San Andreas Regional Center for opening the facility

Ms. Sedigh explained the other operations the applicants are involved with, stating firmly that the company needs this site for continuing operations. She also informed the Commissioners of others in the geographical area who provide group home service and that those homes will send clients to the site.

Commissioner Lyle asked about sidewalks in area. It was ascertained that sidewalks are not needed to begin operations of this project.

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 5

Ms. Sedigh said perhaps two to four of the participants may be using public transportation (para-transportation).

Commissioner Benich inquired regarding the process for application, *asking if the program is available for the residents of Morgan Hill, and if so, would those residents be given priority for application?* Ms. Sedigh said families have to be member of the San Andreas Regional Center in Campbell.

Ms. Sedigh explained her background and the license she holds. Ms. Sedigh also explained the skills taught to the clients:

- money management

- pre-vocational skills

- arts & crafts

- noted the plan is to have the educated for entry level employment

Chair Mueller summarized that appeared to be basic living skills. Ms. Sedigh and Mr. Homars agreed.

Commissioner Engles asked how the company decided on a location in Morgan Hill?

Ms. Sedigh said it had been determined need existed in Morgan Hill.

Commissioner Engles expressed concerns regarding parking for the facility.

Ms. Sedigh said that the projections indicate 'no problem, there will be 35 staff with 45 parking spaces'.

Commissioner Lyle asked if there is Morgan Hill family, and they were a member of the San Andreas Regional Center, could they be precluded from service for any reason? Ms. Sedigh responded, "No, prescreening would have been completed by the San Andreas Regional Center."

Marizheh Zand, 109 Teresita Way, spoke on components of the program, as she indicated that individual plan are created for each client. Ms. Zand explained: "The goal is to have as 'normal' a life as possible for each client; a job, a normal family. They may need confidence building because they didn't have prior chance."

Responding to Commissioner Acevedo's question, Ms. Zand said the funding reimbursement mechanism is complicated.

Commissioners discussed the necessity of tabling the matter until further research is completed by staff.

Commissioner Escobar told the history of how Agnews State Hospital was decentralized under Governor Reagan's administration with provision for outsourcing in the community. Downsizing resulted in having the Regional Centers monitor progress, he said. "Regional Centers were charged with seeing that basic life services were taught, along with some employment opportunity training. This would generate a paycheck. Commissioner Escobar concluded by saying, "Providers need to provide some degree of

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 6

independence to those in their charge.”

Robert Basanty, 5448 Thornwood Dr., asked PM Rowe about the plan to continue? PM Rowe explained the Commissioners were leaning toward having the matter tabled until the staff could address issues of air quality standards, in relation to a prior application (the City Council turned down a Church in similar placement, because of impacts that could not support the findings). PM Rowe reminded that the information as basis for the problem had just come in late in the afternoon, and so staff had not had the opportunity to research the issues. Consequently, staff has recommended that the application be continued until all the research is in and the findings can be dealt with.

Mr. Basanty asked when the next meeting of the Commissioners will be? [Two weeks hence]

COMMISSIONER ESCOBAR MOTIONED TO ~~TABLE~~ CONTINUE THE APPLICATION UNTIL ALL THE RESEARCH IS IN AND THE FINDINGS CAN BE VERIFIED.

Commissioner Acevedo asked that staff be directed, on basis of other questions, to ascertain the feasibility of having such an operation in an Industrial Park, specifically the use of hazardous materials, etc.

Commissioner Weston indicated a thought that as far as Industrial Area are concerned, the City needs to look at if there is a need to ‘tighten up the requirements for Industrial locations’. He said it would also be important for the City Attorney to look at the Americans with Disabilities Act in relation to applications such as this. *Commissioner Weston added that if any State or Federal funds are used, there seems to be a requirement for public entrance to the business.*

Commissioner Lyle and Commissioner Engles indicated agreement that it ‘seems like everyone is trying to, or wants to go into Industrial area. Commissioner Lyle said, “There is effort at cannibalizing our industrial areas and that would limit the actual industrial base available.”

Commissioner Weston suggested a need for studying the matter.

Chair Mueller said there may be a need to revisit the total amount of space available for Industrial under the General Plan.

COMMISSIONER ESCOBAR REPEATED THE MOTION FOR ~~TABLING~~ CONTINUING THE MATTER, WITH COMMISSIONER BENICH SECONDIING THAT MOTION, CAUSING THE MATTER TO BE RESEARCHED, AND FINDINGS CONFIRMED FOR RETURN TO THE COMMISSION AT THE NEXT REGULARLY SCHEDULED MEETING (MOTION: MATTER CONTINUED FOR 2 WEEKS.) THE MOTION WAS APPROVED WITH THE VOTE OF ALL COMMISSIONERS PRESENT.

2) GPA-03-08: E. DUNNE-BASANTY

A request to amend the General Plan land use designation from Industrial to Mixed Use on two vacant parcels that total 3.47 acres. The site is located at the southeast corner of E. Dunne Ave. and Church St. A mitigated negative declaration is proposed for the

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 7

application.

PM Rowe presented the staff report, noting the applicant will be amending the application and has requested that the application be considered during the next General Plan amendment review data.

Chair Mueller opened the public hearing.

With no persons present indicating a wish to address the matter, **COMMISSIONERS ESCOBAR/WESTON MOTIONED TO TABLE THE MATTER OF GPA-03-08: E. DUNNE – BASANTY TO THE NEXT GENERAL PLAN AMENDMENT REVIEW DATE. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**3) GPA-03-09:
DEL MONTE-
BASANTY**

A request to amend the General Plan land use designation from Residential Estate to Multi-Family Low on two parcels that total 1.9 acres. The sites are located at 16615 and 16625 Del Monte Ave., 500 feet south of Spring Ave.

PM Rowe presented the staff report, noting the applicant will be amending the application and has requested that the application be considered during the next General Plan amendment review data.

Chair Mueller opened the public hearing.

Robert Basanty, 5448 Thornwood Dr., asked if the Commissioners are familiar with the site? Chair Mueller explained that because of the recommendation to table the matter, and the fact that the application will be amended, limited discussion would take place at this time.

Mr. Basanty said he was waiting 'not too patiently'. In response to his question, PM Rowe said the anticipated date for a General Plan may be October, 2004.

With no persons present indicating a wish to address the matter, **COMMISSIONERS ESCOBAR/ WESTON MOTIONED TO TABLE THE MATTER OF GPA-03-09: E. DUNNE – BASANTY TO THE NEXT GENERAL PLAN AMENDMENT REVIEW DATE. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**4) GPA-02-03/
ZA-02-08:
BUTTERFIELD-
CITY OF
MORGAN HILL
RDA/COURT
HOUSE**

A request to amend the land use designation on an 8.14 acre parcel located on the north west corner of the intersection of Butterfield Blvd. and Diana Ave. The proposed amendment is to change the General Plan land use designation from Multi-Family Medium to Public Facilities. Also requested is an amendment to the zoning designation on the property from R-3 Multi Family Medium to PF, Public Facilities.

PM Rowe gave the staff report, telling the parcel is currently designated as Multi-Family Medium Density and is zoned R-3 3,500 Multi-Family Medium. The request tonight, PM Rowe said, is for a change to Public Facilities, as well as a change in zoning to the same designation. PM Rowe informed that the site has been approved for a Courthouse

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 8

facility. He indicated that there had been plans for parking to the north of the site, which would be considered as part of the facility. However, PM Rowe said, he was told recently that may be changed (the parking) but was still included in the Negative Declaration as confirmed data regarding the matter had not been received. PM Rowe explained the stipulation of general land requirements for the City as he called attention to a change in the second 'whereas' of Resolution No. 04-23:

.....the City has vacant 39.6 total acres of property designated as Multi-Family Medium

PM Rowe explained that study had been made of the vacant property in the City, such as that on Monterey Road and a conclusion reached that there is sufficient amounts of land to meet Policy 1B. Furthermore, PM Rowe reported, there is a proposed General Plan Amendment to increase those amounts of available vacant land, as well.

PM Rowe concluded the staff report by indicated this request is consistent with the City's General Plan., and telling the Commissioners the matter will also be reviewed by the Architectural Review Board before being heard to the City Council.

Commissioner Benich commented that he is very pleased to hear that the name for the facility is to be the South County Courthouse as there had been discussion it would be known as a 'justice facility'.

Commissioner Weston referenced the case analysis, querying about the (last paragraph) where the mitigated traffic study is and asking for explanation.

PM Rowe responded that the use of commuter rail service to the facility is anticipated. He noted that the convenient location of the Cal Train station, which also services buses, etc., to the new facility.

Commissioner Weston said there appears to be less parking available than is required on the site. Discussion ensued regarding use of parking facilities at the Skate Park, as well as the site of the new Fire Station. Chair Mueller explained actions at recent meetings regarding parking in the general area.

Commissioner Weston continued with his worry that if the downtown businesses use the fire station) parking lot as part of the overall parking strategies, does this project have sufficient parking?

PM Rowe told of the site setting, lot layout, and available additional pedestrian crossings.

Chair Mueller spoke on the inventory of absent/vacant land which is also needed for expansion of R-3, expressing concern as to where such expansion would be possible. PM Rowe said R-3 designation and zoning has been increased in the general area.

Chair Mueller opened the public hearing.

With no one in the audience indicating a desire to address the matter, the public hearing was closed.

COMMISSIONER BENICH OFFERED RESOLUTION NO. 04-23, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA 02-03: BUTTERFIELD BLVD. - CITY OF MORGAN HILL RDA/COURT HOUSE, CHANGING THE LAND USE DESIGNATION FROM MULTI-FAMILY MEDIUM TO PUBLIC FACILITIES ON AN 8.14 ACRE PARCEL LOCATED ON THE NORTH WEST CORNER OF THE INTERSECTION OF DIANA AVE. AND BUTTERFIELD BLVD., WITH THE FOLLOWING MODIFICATION:

.....the City has *vacant* 39.6 *total* acres of property designated as Multi-Family Medium

THE MOTION WAS SECONDED BY COMMISSIONER ENGLES. THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Further discussion was had regarding vacant R-3 land. Chair Mueller referenced the table provided in the staff report as he led the discussion on how many multi-family units been built and how many are allowed under Measure P. "It's generally a global number," Chair Mueller declared. He pointed out that there has been construction and consequently, there may have been a reduction in the amount of R-3 land available. The Commissioners directed staff to cause the report (table) to indicate correct the figures, and further ensure that the findings listed are met. PM Rowe informed of other projects, such as the one near Del Monte Avenue, saying that the action reported really accounted for the land.

COMMISSIONER BENICH OFFERED RESOLUTION NO. 04-24, RECOMMENDING APPROVAL OF A ZONING AMENDMENT FROM MULTI-FAMILY MEDIUM R-3 TO PUBLIC FACILITIES, PF FOR APPLICATION ZAA-02-08: BUTTERFIELD - CITY OF MORGAN HILL RDA/COURTHOUSE, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR. THE MOTION WAS PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**5) GPA-03-10:
MONTEREY-
SOUTH COUNTY
HOUSING**

A request to amend the General Plan land use designation from Multi-family Low and Commercial to Multi-family Medium and Mixed Use on four parcels totaling approximately 4.8 acres in size. The subject parcels are located between Monterey Rd. and Del Monte Ave., north of Wright Ave. A land use designation amendment for nine additional parcels from Multi-family Low to Multi-family Medium will also be reviewed by the City. These additional parcels total approximately 2 acres in size, and are located on the north side of Wright Ave., between Monterey Rd. and Del Monte Ave.

PM Rowe presented the staff report and explained the applicant's request. PM Rowe said staff recommends the Commission discuss the existing Motor Court as he spoke about the structures on the property, which have been determined to be of historical significance. The applicant is working to decide to either preserve those structures on-site or move them off-site. The main difference, PM Rowe said, is that South County Housing is looking at the possibilities: rehabilitation of the structures or incorporation into the project. It is possible the decision will be made to move the houses to other

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 10

location for other use, PM Rowe stated. Should it be determined that demolition would be necessary, South County Housing will work with Planning staff for best solution.

As to the request for a change in the land designation, PM Rowe noted , that will be kept in the plan as investigation of options occurs.

PM Rowe told of the conceptual plan which has been presented: mixed use above commercial. He also reported that six units have been removed from plan at this time. As PM Rowe talked about the exempted units, he explained that the number of townhouses will be increased to 16. PM Rowe also gave an overview of the 'affordable housing' application under Measure P which is anticipated to be submitted. Returning to the issue of the dwellings in the Motor Court, PM Rowe stated a belief that in the 'long term' those units would not be preserved on-site.

PM Rowe explained that the General Plan elements for this project had been summarized in the staff report and the issue of the Motor Court dwellings could not be mitigated until a decision was made concerning the resolution. PM Rowe also informed that the applicant would be coming back with an RPD for precise development.

Commissioner Escobar referenced page 4 of the staff report, noting that noise levels had been discussed at the last meeting regarding freeway noises. These levels of traffic noise are as high as those from the freeway. "Is this accurate?" Commissioner Escobar asked. "On Monterey Road?"

PM Rowe said the traffic analysis may have been looking at future noise levels.

Commissioner Escobar asked what conditions would make it raise to that level?

PM Rowe said build outs to the maximum could create the situation.

Discussion ensued regarding distance in this application versus the project previously considered.

Commissioner Weston said it would be necessary to have a thorough explanation as to the possible mitigation. "I would hate to have sound walls as only solution," he declared.

Commissioner Escobar indicated concern about the accuracy of the numbers.

Commissioner Benich spoke on the methods of testing and determination.

Commissioner Weston asked, in view of the age of the historical buildings, if they are currently occupied?

Chair Mueller said he thought he had read that the City will be proposing to move the Motor Court homes to north of City.

PM Rowe stated that if relocation occurs, the buildings will probably be moved to a different location along Monterey Road. He said there has been some suggestion for identifying an area further north on Monterey Rd.

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 11

Chair Mueller indicated concern should that occur, reminding that the (proposed) greenbelt area is located *from the City limits* to miles north of the city.

PM Rowe explains the three alternatives which are being considered by South County Housing.

Commissioner Weston asked if parts of the project are in a flood plain?

PM Rowe responded that some portions are in a flood plain.

Commissioner Weston cites other buildings in the in area which are elevated and still have standing water issues.

Commissioner Benich said he had thought South County Housing had good plan, but is alarmed about the discovery of the historically significant buildings. Who studied the matter, he wondered?

PM Rowe indicated that the services of a qualified firm which deals with these items. He went on to discuss that now several other factors come into play: architectural issues and the preservation of these pre WWII buildings. PM Rowe explained that under CEQA, it takes six months to make determinations, but the Planning Department didn't want to delay the ability of the applicant for a Measure P competition, as he noted these buildings are in good condition.

Commissioner Benich said, "This upsets me. Are we truly looking at the greater good here?"

Commissioner Lyle asked how much this information will 'hamstring' the project? PM Rowe explained the plan regarding the mixed use and the parking required.

There was discussion regarding the Measure P application and the size of the project. PM Rowe informed that some of the mixed use will be excluded. "I think the mixed use component will be put on hold," he said.

Responding to questions by the Commissioners, PM Rowe explained the findings and probable Measure P application, as he talked about CEQA requirements.

Chair Mueller asked if the entire project is in R-3, will the Motor Court be non-conforming? PM Rowe responded, "Not any more so than now."

Chair Mueller opened the public hearing.

Roger Williams, 120 Wright, said the property is in the flood zone and floods 'every so many years'. He provided an example of when the Church was built with a 'berm', 'it pushes water to lower areas, mine (property) and several others'. Mr. Williams reported that the City had conducted a meeting 8 - 10 years ago to rectify the problem. At that meeting, Mr. Williams said, funding to solve the flooding would be significant.

With no others indicating a wish to speak to the matter, Chair Mueller closed the public

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 12

hearing.

David Heindel, 9015 Murray Ave, #100, Gilroy (South County Housing) was present and asked to speak.

Chair Mueller reopened the public hearing.

Mr. Heindel explained the intended occupancy of the Motor Court units, saying he thought six were currently occupied and four are vacant. Mr. Heindel gave the sizes of the dwellings. He then said that as far as the flood zones, this takes in only in small area. He continued on the subject by telling the Commissioners that the city wants an underground pipe system to take care of the water for detention. Mr. Heindel said he was in favor of a slightly modified program as discussed by PM Rowe. "The objective was to have the application for affordable housing go through the Measure P this year, but not build phase 2 for two years – or until the Motor Court issues have been resolved," Mr. Heindel said.

Commissioner Lyle asked if the application will be greatly impacted by not having the replacement units? Mr. Heindel said he believes the issues to be 'resolvable'.

The public hearing was closed.

COMMISSIONERS ESCOBAR/LYLE MOTIONED ACCEPTANCE OF THE MITIGATED NEGATIVE DECLARATION. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER WESTON OFFERED RESOLUTION NO. 04-25, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA 03-10: MONTEREY – SOUTH COUNTY HOUSING TO AMEND THE LAND USE DESIGNATION FROM MULTI-FAMILY LOW AND COMMERCIAL TO MULTI-FAMILY MEDIUM FOR 13 PARCELS TOTALING 6.8 ACRES IN SIZE, LOCATED NORTH OF WRIGHT AVENUE, BETWEEN MONTEREY ROAD AND DEL MONTE AVENUE, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN. Commissioner Benich voiced objection to Section 2 of the Initial Study. "Is that saying the Motor Court has historical significance?" he asked. Commissioner Escobar asked that there not be modification at this time, but added he wants confirmation of the indicated noise levels. PM Rowe said he would be certain to pass the question on to the certified analyst. **THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR, AND CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: BENICH; ABSTAIN: NONE; ABSENT: NONE.**

**6) GPA-02-04,
ZA-02-10:
EDMUNDSON-
CITY OF
MORGAN HILL
RDA/INDOOR**

A request to change the General Plan Land Use designation of the project site from Single-Family Medium Residential to Public Facilities for construction of the Community Indoor Recreation Center and to change the zoning designation from R2 (3500) Medium-Density Residential to PF Public Facilities to maintain consistency with the proposed General Plan Land Use designation. The project site consists of two parcels located on the north side of Edmundson Ave. at the southeast side totaling 8.7 acres of

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 13

RECREATION FACILITY

Community Park; west of Little Llagas Creek and south of the Public Works offices and corporation yard.

PM Rowe gave the staff report. Much of the work has centered around parking issues. The site has 210 parking spaces on-site, but requires 335 all total; the adjacent Community Park has 125 spaces and it may be possible to have a shared parking agreement between the two facilities. PM Rowe also gave an example of the Indoor Rec Center, saying the building exceeds the building requirement and City Ordinance allows differing set-backs for higher square footage buildings. That requirement is met here, he said.

Chair Mueller expressed concern regarding the buffering of Llagas Creek , and asking if staff has been working on agreements with the Water District?

Mori Struve, of the Public Works Department, informed that the City has been in discussion regarding the easement, and is aware they are outside of that easement.

Chair Mueller said he is trying to understand the buffer area with the District.

Mr. Struve said the project will go through the right of way limit. The Architect in the water district. I think the plan is sound," he said.

Chair Mueller asked about water quality issues.

Mr. Struve responded that in the report, the project is required to have a permit .

Chair Mueller urged that several items be considered, including water run off, how close people are to project. "Is Llagas on the blue line of the stream?" Chair Mueller asked, saying, "I'm worried about the on-going project, the after use and whether proper mitigation has been identified."

Considerable discussion ensued regarding traffic concerns:
traffic on Edmondson (build-up/plugging of intersection)
need to review traffic conditions after the project has been utilized for one year
(concern: restricted turns)

Commissioner Engles left the meeting at 8:51 p.m. and returned at 8:55 p.m.

SE Creer was asked to comment on the fact that a U-turn is not allowable at Edmondson and Tennant. He also spoke on the egress from the shopping center.

Chair Mueller said a major concern is the 80 - 90% traffic coming from the Edmund/Monterey intersection, with most of that traffic at the high peak hours.

SE Creer explained that a condition of the General Plan is to have a raised median at some point, with Edmondson becoming an arterial, so a raised median would force people to travel left. SE Creer explained the traffic patterns in the area as well as indicating plans for installation of turn lanes. Responding to a question from Commissioner Lyle about the potential for a four-way stop at that location, SE Creer promised to look at it. *SE Creer indicated that a left turn would be possible on*

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 14

Edmundson for traffic going into the project if that traffic was traveling eastward.

Chair Mueller opened the public hearing. With no persons present indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle stressed the importance of reviewing the traffic analysis after some months of operation and requesting that language be included to ensure that occurrence.

Extensive discussion ensued regarding the traffic analysis. Patricia Voffery, 1500 Park Ave., #310 (Traffic Consultant) spoke with the Commissioners, indicating that according to data received from the City, significant circulation were not indicated.

Commissioner Lyle said it would be important to reference the issues in both the Initial Study and the Mitigated Negative Declaration.

Ms. Voffery explained the methodology used in preparing the traffic analysis for the matter.

PM Rowe suggested if the Commissioners want to deal with clarification for follow-up, they could add requirement to page 6 of the Mitigated Negative Declaration and to page 39, 15.1 of the Initial Study. Commissioners discussed how to add language to 15.1 (page 39) and to page 6 to deal with traffic management issues.

Chair Mueller said it appears that the project is really 100 spaces short. Ms. Voffery responded, "No, that would be 20" as she referenced the shared parking. PM Rowe explained that the number of spaces available with this facility, and with all that are available in the Community Park, the project is still short 20 required spaces.

Discussion followed regarding the location of parking spaces of nearby to the location. PM Rowe spoke on the parking management plan, noting there is limited parking available when several events are occurring simultaneously.

Commissioner Escobar asked why not take part of park for parking to enable parking more adjacent for higher use? He also suggested that on page 2 of the Mitigated Negative Declaration, under *Potentially Significant Impacts*, another bullet (Circulation) be added.

Ms. Voffery stated there is a need to address how to further improve the traffic circulation and monitor traffic management.

Chair Mueller asked Ms. Voffery how one could do an initial study, where well over 100 parking spaces are indicated as being 'short' and not have a management plan required?

Ms. Voffery indicated the Consultants had understood that shared parking would be arranged by the City.

Chair Mueller said, "Yes, but if both facilities are fully active, how could one miss the significance in the traffic study? My point is, something should not have been missed, but was."

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 15

Staff was directed to formulate language on page 6 of the Mitigated Negative Declaration and page 38, item d) of the Initial Study to indicate the possibility of ~~significantly~~ Page 15, paragraph one: *insignificantly* needed traffic mitigation measures. Additionally, Commissioners strongly indicated a desire to keep account of community uses at the Park and conduct a six months review of parking measures.

Acknowledging the directive given to staff for correction to the Mitigated Negative Declaration and the Initial Study, **COMMISSIONERS ESCOBAR/LYLE MOTIONED AGREEMENT WITH THE MITIGATED NEGATIVE DECLARATION,.....AS AMENDED: *inclusion on Page 6 of the Mitigated Negative Declaration and Page 38, Item D of the Initial Study to indicate the possibility of needed traffic mitigated measures, though those measures were thought to be generally insignificant...*** THE MOTION PASSED BY THE FOLLOWING VOTE: **AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

COMMISSIONER WESTON OFFERED RESOLUTION NO. 04-26, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA 02-04: EDMUNDSON – MORGAN HILL RDA AMENDING THE LAND USE DESIGNATION ON AN 8.7 ACRE SITE LOCATED ON THE NORTH SIDE OF EDMUNDSON AVENUE AT THE SOUTHEAST SIDE OF COMMUNITY PARK FROM SINGLE FAMILY MEDIUM TO PUBLIC FACILITY, WITH THE FINDINGS AND CONDITIONS THEREIN CONTAINED. THE MOTION WAS SECONDED BY COMMISSIONER ENGLES. *THE PROJECT WILL BE SUBJECT TO REVIEW WITHIN SIX MONTH OF CONSTRUCTION TO REVIEW DRAINAGE AND NOISE ISSUES.* THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES. ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER WESTON OFFERED RESOLUTION NO. 04-27, RECOMMENDING APPROVAL OF A ZONING AMENDMENT FROM R2-3,500 TO PUBLIC FACILITIES ON AN 8.7-ACRE SITE LOCATED ON THE NORTH SIDE OF EDMUNDSON AVENUE AT THE SOUTHEAST SIDE OF COMMUNITY PARK FOR APPLICATION ZA—2-10: EDMUNDSON – MORGAN HILL RDA, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR. THE MOTION WAS PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES. ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

PM Rowe reported that items 7 and 8 would be heard and considered concurrently.

**7) GPA-04-01:
WRIGHT-CITY
OF MORGAN
HILL GENERAL
PLAN MAP
CORRECTION**

A City initiated proposal to amend the General Plan land use designation from Single-Family Medium to Multi-Family Medium on an 8,240 sq. ft. lot located at 120 Wright Ave.

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 16

**8) ZA-04-03:
CITY OF
MORGAN HILL-
ZONING MAP
CORRECTIONS**

A City initiated proposal to amend the zoning designations on two properties. A request to amend the zoning from R1-7,000 to R3 for a site located at 120 Wright Ave. in order to maintain compliance with the requested General Plan land use designation amendment request for the site. A request to amend the zoning from R3 to R2-3,500 on 4.3 acres of an 8.36-acre parcel located on Monterey Rd., 700 feet north of Watsonville Rd. in order to bring the zoning into conformance with the General Plan land use designation for the site.

Commissioner Lyle reminded that PM Rowe had pointed out that there are 2.34 acres going into the multi family designation.

PM Rowe spoke on the two corrections necessary which had resulted from mistakes that had 'crept into the General Plan adoption couple of years ago'. Now, PM Rowe said, we are charged with changing back this parcel (item 7) to MF/medium and (item 8) correcting the zoning map as it is to be rezoned from R-3 3,500 to R-2 to bring the General Plan into compliance.

Chair Mueller open the floor to the public for item 7.

Roger Williams, 120 Wright, is the owner of property in question having owned it for 25 years, with the property being primarily used as a rental. "This piece was zoned R-3 about 15 years ago. In October of last year (2003), I began talking to the zoning committee, and was dismayed to find it was r-1. I know that Mr. Bischoff and Commissioner Mueller knew about it, so I'm here to make sure we get it right, back to the original plan, while they are still around."

With no others present to speak to the matter, the public hearing was closed.

Chair Mueller opened the public hearing for item 8.

As no persons present indicated a desire to speak to the matter, the public hearing was closed.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-28, RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT FROM SINGLE-FAMILY MEDIUM TO MULTI-FAMILY MEDIUM DUE TO A GRAPHIC ERROR TO THE GENERAL PLAN MAP WHICH CONTAINED INCORRECT INFORMATION, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER ESCOBAR SECONDED BY THE MOTION. THE MOTION WAS PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES. ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-29a, RECOMMENDING APPROVAL TO AMEND THE ZONING FOR 120 WIRGHT AVENUE FROM R1-7,000 TO R3 TO CORRECT A GRAPHIC ERROR, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR. THE MOTION WAS PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES. ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-29b, WITH THE FINDINGS AND CONDITIONS CONTAINED WITHIN, RECOMMENDING APPROVAL OF A ZONING FOR PARCEL 767-23—16 FROM R3 TO R2-3,500 TO BRING THE PARCEL INTO CONFORMANCE WITH THE GENERAL PLAN, . THE MOTION WAS SECONDED BY COMMISSIONER ESCOBAR. THE MOTION WAS PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLS. ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Chair Mueller suggested a report on how much R-3 land the City has inventoried would be beneficial.

**9) GPA-03-02:
CITY OF M.H.-
AMENDMENT TO
LAND USE
POLICY FOR
SINGLE-FAMILY
ATTACHED
HOUSING
REQUIREMENTS**

A City-initiated amendment to the Community Development Element of the General Plan, amending Policy 7b regarding the percentage of all future residential dwellings to be constructed as single family detached units. The proposed amendment would establish a 70/30 ratio of single family (both attached and detached units) to multi family housing for all future residential development.

PM Rowe reported that the current plan is not reasonable as it speaks on the possible need for changes in requirements for affordable housing or single detached units excessively. *He noted that the revised resolution also corrects a wording error in Action 7.2. multifamily was changed to single family attached.*

Commissioner Lyle identified mistakes, saying a revised resolution for action of community development important.

Commissioner Weston indicated that further clarification is needed in the area of limiting detached housing and how to address the matter.

Chair Mueller expressed a belief that in the R-1 7,000 projects, only 20% (Commissioner Lyle interjected the correct number is 25%) can be attached housing. “That works with 10% moderate and 10 % BMR,” he said.

Discussion followed as to how counts are conducted. Commissioner Weston asked how all this had come about? “How was it realized that we were not following the policy?” Commissioner asked. Chair Mueller informed that as to the item in section 4, we have known about this for a long time – but this the first opportunity to we’ve had to make corrections. He went on to explain the ‘70% requirements’. PM Rowe told the Commissioners that about a year ago, staff looked at the set-asides, and knew the City had to go back to the General Plan.

Commissioner Acevedo said, “We spent much time on the General Plan going over this – much of it semantics.” To which Chair Mueller commented, “No, legislation.”

Chair Mueller opened the public hearing.

With none present to speak to the matter, the public hearing was closed.

PLANNING COMMISSION MEETING MINUTES

MARCH 9, 2004

PAGE 18

COMMISSIONER ESCOBAR OFFERED RESOLUTION NO. 04-30, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA-03002: AMENDING POLICY 7b OF THE COMMUNITY DEVELOPMENT ELEMENT OF THE GENERAL PLAN, WITH THE FINDINGS AND CONDITIONS AS SET FORTH, *AND THE FOLLOWING MODIFICATION* also correcting a wording error in Action 7.2: ~~multifamily~~ single family attached. THE MOTION WAS SECONDED BY COMMISSIONER BENICH. THE MOTION WAS PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLS. ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

INFORMATIONAL ITEM:

RESIDENTIAL DESIGNATIONS NEAR FREEWAY

PM Rowe distributed the staff report.

Chair Mueller commented that, regarding this item, the City may need to conduct an acoustical workshop

Commissioner Weston challenged a sentence in the third paragraph regarding sound walls, saying he didn't think it true. PM Rowe agreed, but said CalTrans may 'slap up sound walls, and this is the only guarantee that construction of non-residential projects can occur'.

Commissioner Engles observed that he received information about six months ago of a study in the Saratoga area about sound reverberations. Chair Mueller agreed, saying the study found that noise tends to travel further into the neighborhood (200 ft beyond) and is not limited to the area adjacent to the freeway. PM Rowe said, "Yes, it is a tunnel effect."

ANNOUNCEMENTS:

PM Rowe announced that a memo had been distributed regarding recent City Council activity and actions. He also said that Street Standards are scheduled for discussion at the April 13 meeting.

Commissioner Benich announced the Coyote Valley Specific Plan Community Workshop meeting upcoming Saturday, March 13. He urged Commissioners to attend, saying the workshop is open to all beginning at 8:30 a.m. Interested persons should contact the City of San Jose, Commissioner Benich said.

ADJOURNMENT:

There being no further business, Chair Mueller adjourned the meeting at 9:45 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk